

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRANCH BANKING AND TRUST CO.,

Plaintiff(s),

vs.

POST RAINBOW, et al.,

Defendant(s).

Case No. 2:11-cv-01820-GMN-NJK

ORDER DISCHARGING ORDER  
 TO SHOW CAUSE (Docket No. 54)  
 AND REQUIRING THE FILING OF  
 NOTICES OF RELATED CASES

Currently before the Court is an order to show cause, Docket No. 54, and the parties' responses thereto, Docket Nos. 55, 56. For the reasons discussed below, the Court hereby **DISCHARGES** the order to show cause. The parties are further **ORDERED** to file a notice of related cases, no later than April 8, 2013.

On March 22, 2013, the parties filed a stipulation to extend discovery, which states that "[t]here are currently two other cases pending before this Court involving the same parties, same claims for relief, and identical legal issues: BB&T v. Ford Duneville, LLC, Case 2:11-cv-01776-JCM-GWF (the 'Ford Duneville Case') and BB&T v. The Borsack Group, Inc., Case 2:11-cv-01819-KJD-VCF (the 'Borsack Group Case')." *See, e.g.*, Docket No. 53 at 4. The parties further indicate that they have taken depositions simultaneously for all three cases and would like all three cases to have the same deadlines "in the interests of efficiency and economy." *Id.* at 4, 5.

The Local Rules require that any "[c]ounsel who has *reason to believe* that an action on file or about to be filed is related to another action on file (whether active or terminated) *shall* file in

each action and serve on all parties in each action a notice of related cases.” Local Rule 7-2.1 (emphasis added). Despite the parties’ statement in their recent stipulation, a notice of related cases has not been filed.

Plaintiff’s response to the order to show cause challenges whether the cases are related for purposes of the Local Rules. *See* Docket No. 56 at 3.<sup>1</sup> But Plaintiff also notes that there is commonality in the cases related to the defenses raised based on its acquisition of loans from the FDIC. *See id.* at 4. According to Plaintiff, this commonality necessitated streamlining discovery since “the deponents and documents connected to these FDIC-related defenses were the same for all three cases.” *Id.* As such, the parties had “reason to believe” that grounds may exist to find the cases related, at the very least, under Local Rule 7-2.1(c) (actions involving similar questions of fact exist, as well as the same question of law) or Local Rule 7-2.1(d) (not having cases related would entail substantial duplication of labor if assigned to different district judges or magistrate judges). Indeed, the renewed stipulation for an extension of discovery deadlines indicates that the same discovery motions were filed in three different cases, requiring review by three different Magistrate Judges. *See* Docket No. 53 at 4-5.

For the reasons discussed below, the Court hereby **DISCHARGES** the order to show cause, but **ORDERS** the parties to file a notice of related cases, no later than April 8, 2013, in this and the two cases identified above.

IT IS SO ORDERED.

DATED: April 3, 2013

  
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 NANCY J. KOPPE  
 United States Magistrate Judge

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<sup>1</sup> Concurrently herewith the Court is issuing a second order to show cause in light of the contradictory statements made in the stipulation and in Plaintiff’s response to the original order to show cause.

The Court defers ruling on the renewed motion to extend time regarding discovery at this time.